

STATE OF OHIO
BEFORE THE STATE EMPLOYMENT RELATIONS BOARD
FACT-FINDING PROCEEDING

STATE EMPLOYMENT
RELATIONS BOARD
2008 OCT 22 P 1:04

Case No. 08-MED-01-0028

**Bowling Green State University,
Employer**

and

**International Union of Police Associations (IUPA),
Local No. 103,
Employee Organization**

REPORT AND RECOMMENDATIONS OF THE FACT FINDER

Daniel N. Kosanovich

ISSUED: October 1, 2008

Appearances:

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(For the Union)**

REPORT AND RECOMMENDATIONS

I. Background

The bargaining unit in this case consists of all Full-Time Police Officers I, Full-Time Police Officers II, Full-Time and Part-Time Radio Dispatchers, and Full-Time Records Management Officer. There are approximately 23 employees in the bargaining unit. The employer is Bowling Green State University. The parties have a collective bargaining history which dates back to the early 1990's.

Bowling Green State University and IUP Local No. 103 have engaged in collective bargaining in an effort to provide a successor contract to the collective bargaining agreement that expired by its terms on April 27, 2008. The parties have tentatively resolved all non-economic issues. The agreements made on the non-economic issues resolved through negotiations by the parties prior to the fact-finding hearing are incorporated in this fact-finding report as if full rewritten herein.

The economic issues remaining include retroactivity back to the expiration of the predecessor agreement. In addition, the economic issues include a market adjustment in wages, an across the board wage increase, and shift differential.¹ The parties herein have agreed to a MAD. The undersigned was contacted by the parties and mutually selected to serve as a Fact-Finder in this matter. A fact-finding hearing was conducted on September 9, 2008 at Bowling Green State University.

At the outset of the hearing the undersigned offered to mediate the open issues and said offer was declined by the parties.

¹ The Union also sought compensation for Detectives and for the Officer in Charge position. However, the Union withdrew those proposals at the fact-finding hearing.

It must be noted that during the course of the fact-finding hearing both parties were given full opportunity to submit evidence in support of their respective positions on the remaining unresolved issues and they availed themselves of those opportunities. Set forth below are the undersigned's recommendations on the remaining unresolved issues.

II. Criteria

In compliance with Ohio Revised Code, Section 1417.14(G)(7), and the Ohio Administrative Code, Section 4117-95-05(J), the Fact-Finder considered the following criteria in making the recommendations contained in this Report:

- 1) Past collectively bargained agreements between the parties;
- 2) Comparison of unresolved issues relative to the employees in the bargaining units with those issues related to other public and private employers in comparable work, given consideration to factors peculiar to the area and the classifications involved;
- 3) The interest and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the normal standards of public service;
- 4) Lawful authority of the public employer;
- 5) Stipulations of the parties; and,
- 6) Such factors as not confined to those above which are normally and traditionally taking into consideration.

III. Findings and Recommendations

Issue #1 - Compensation

Article 18

IUPA's Position

It is the Union's position that the Police Officers, Dispatchers, and Management Records Officer are woefully underpaid at Bowling Green State University. In fact, virtually every comparison to other police units ranks Bowling Green State University's Police Officers at or near the bottom in terms of wages. In order to rectify this situation, the IUPA is proposing a \$3.45 per hour market adjustment across the board for all Police Officers plus a wage increase of 3% of the adjusted hourly rate. In addition, the Union proposes a \$1.30 per hour market adjustment, plus a wage increase of 3% of the adjusted hourly rate for Radio Dispatchers and the Management Records Officer. These proposed increases are retroactive to the first pay period following April 27, 2008 (the expiration date of the collective bargaining agreement).

In addition, the Union proposes to modify Section 18.20 to reflect a 3% increase in hourly wage rates effective with the beginning of the first full pay period following April 27, 2009. Likewise, the Union seeks to modify Section 18.30 to reflect the receipt of a 3% increase in hourly wages effective the beginning of the first full pay period following April 27, 2010.

Finally, the Union seeks a shift premium adjustment of 25 cents per hour worked to 40 cents per hour worked for all regularly scheduled employees on the "C" shift.² A shift premium increase is also proposed for those regularly scheduled to work on the "A" shift from 20 cents per hour worked to 30 cents per hour worked.

² There is some confusion in the record as to whether the parties refer to this shift as the "C" shift.

In making its proposal, the IUPA is seeking to accomplish certain goals. The first goal is to raise the top pay of Police Officers and Dispatchers to the average level of such employees elsewhere throughout the state. In addition, by providing adequate compensation levels to employees, the Union seeks to maintain staffing levels. The Union also seeks to keep competitive with the job market and retain Officers and Dispatchers who have experience.

The record reflects the fact that in 2007 and 2008 Bowling Green State University set aside \$500,000 each year to provide market adjustments, mainly for teaching staff. In addition, the record indicates that Bowling Green State University net assets have increased each year since 2004.

The Union asserts that for campus police throughout the State of Ohio the average salary is \$51,334.40, or \$24.68 per hour. The average salary for Dispatchers is \$39,665.60 per year or \$19.17 per hour. The Union's proposal puts the police at Bowling Green State University at \$51,376.00 per year or \$24.70 per hour at the end of three years. Additionally, the proposal puts the Dispatchers at \$37,336.00 per year or \$17.95 per hour at the end of three years.

Comparables demonstrate that the average Bowling Green State University Police Officer makes \$19.16 per hour, whereas the University of Toledo Police Officer averages \$25.24 per hour, the University of Akron Police Officers average \$24.09 per hour, Miami University Police Officers average \$28.24 per hour, and so forth. Bowling Green State University Police Officers are clearly at the bottom of those comparables.

The comparables for Dispatchers are similar. Bowling Green State University Dispatchers average \$15.13 per hour, whereas the University of Toledo Dispatchers average \$19.08 per hour, the University of Akron Dispatchers average \$20.66 per hour,

Miami University Police Dispatchers average \$19.40 per hour. Once again, Bowling Green State University employees (Dispatchers) are at the bottom of the food chain.

Given the financial condition of the University, and in comparison with other Police forces at universities throughout the state, and the unacceptable level of wages for the Police Officers and Dispatchers of Bowling Green State University, the Fact-Finder is urged to adopt the proposals of the Union.

BGSU's Position

It is the position of Bowling Green State University that a fair wage adjustment would include the following:

1.) A market adjustment of \$1.80 per hour plus an additional 1.5% of the hourly rate so adjusted effective with the beginning of first full pay period following April 27, 2008 for the Police Officers I and II. In the second and third year of the contract, the bargaining unit employees should receive an increase in their current hourly wage rates equal to any across the board increase provided to classified University employees during the calendar years of 2009 and 2010 effective with the beginning of first full pay periods following April 27, 2009 and April 27, 2010 respectively.

Similarly the employer proposes to offer Radio Dispatchers I and II and Records Management Officer an increase in currently hour wage rates computed by adding to the hourly rate a market adjustment of 65 cents per hour plus 1.5% of the hourly rate so adjusted effective with the beginning of first full pay period following April 27, 2008. Bowling Green State University also proposes an across the board increase equal to that provided to classified University employees during the calendar years of 2009 and 2010 effective with the beginning of first full pay periods following April 27, 2009 and April 27, 2010 respectively.

In the alternative, the employer offers a market wage adjustment of \$1.25 per hour for the Police Officers and 65 cents per hour market adjustment for the Dispatcher and the Records Management Officer coupled with a 1.5% hourly wage increase each of the three years of the agreement. The University notes that it is necessary to take these steps in the economic times in which we live. The budget is tight and funding is difficult to obtain, at best, and the alternative offers by the school are fair given the circumstances.

Furthermore, the record suggests that the school has had no problem hiring top Police Officers and Dispatchers. Nor has the school had any problem retaining those Police Officers and Dispatchers.

A conservative fiscal approach is necessary given the challenges of the marketplace and the need to compensate full-time professional staff.

Finally, comparables used by the Union are for top wage rate employees. The University submits that the more appropriate comparison is entry level employees which yield a different complexion on the problem.

The employer, based upon the financial condition of the institution has the ability to finance the Union's proposal, as well as the appropriate comparables, submits that the fact-finder should adopt its alternative positions on the wage increase.

It also should be noted that the University is willing to increase the shift differential premium.

RECOMMENDATIONS

The evidence adduced at the hearing demonstrates to the undersigned's satisfaction that the bargaining unit members of IUPA Local 103 are paid at an unacceptably low level. Comparables generated by the Union are illustrative of this point.

While the University prefers to use a fiscally conservative approach to the wages and benefits in negotiations, one cannot ignore the fact that the assets at the University have increased over the past four years. In addition, the previous President of the University was paid a bonus of \$150,000.00. It is also significant to note that the University set aside \$500,000.00 in 2007 and \$500,000.00 in 2008 for market adjustments, primarily for faculty members.

Given the economic circumstances and the ranking of the Bowling Green State University Police and Dispatchers in the competitive marketplace, the undersigned concludes that there is a need to adjust the wages of the bargaining unit employees significantly in order to allow them to fall within an acceptable compensation range. The only question that remains to be addressed in this recommendation is the extent to which the competitive adjustment can be realized.

After considering all of the evidence submitted at the hearing and the statutory criteria, the following recommendation is made and Article 18, Section's 18.10, 18.20, 18.30 and 18.90 shall read as follows:

Section 18.10(a) Employees in the job categories of Police Officer I and Police Officer II shall receive an increase in current hourly rates computed by adding to the hourly rate: (1) A market adjustment of \$2.00 an hour, plus (2) an additional 3% of the hourly rate so adjusted, effective with the beginning of the first full pay period following April 27, 2008; and (b) Employees in job categories of Radio Dispatcher and the Records Management Officer shall receive an increase in current hourly wage rates computed by adding to the hourly rate (1) a market adjustment of 75 cents per hour, plus (2) an additional 3% of the hourly rate so adjusted, effective with the beginning of the first full pay period following April 27, 2008.

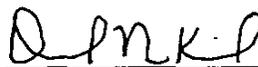
Section 18.20. Employees shall receive a 3% increase in hourly wage rates effective the beginning of the first full pay period following April 27, 2009.

Section 18.30. Employees shall receive a 3% increase in hourly wage rates effective the beginning of the first full pay period following April 27, 2010.

Section 18.90. The University shall pay shift premium to employees as provided herein. A shift premium of 35 cents per hour shall be paid to any employee regularly scheduled to start work on or after 12:00 p.m. and before 7:00 p.m. Starting times between this period shall be known as the afternoon or "C" shift. A shift premium of 30 cents per hour shall be paid to any employee regularly scheduled to start work on or after 7:00 p.m. and before 3:00 a.m. Starting times between this period shall be known as the night or "A" shift.

IV. Certification

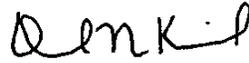
The fact-finding report and recommendations are based on the evidence and testimony presented to me as at a fact-finding hearing conducted September 9, 2008. Recommendations contained herein are developed in conformity to the criteria for a fact-finding found in Ohio Revised Code 4717(7)(a-f) in the associated administrative rules developed by SERB.



Daniel N. Kosanovich
Fact-Finder

V. Proof of Service

This fact-finding report was mailed to Phillip R. Moots, Moots Carter & Hogan, 3600 Olentangy River Rd., Bldg. 501, Columbus OH 43214-3913 and John M. Roca, GALLON TAKACS BOISSONEALT & SCHAFFER CO., LPA, Jack Gallon Building, 3516 Granite Circle, Toledo OH 43617-1172 on October 1, 2008. This report was also electronically transmitted to the parties on October 1, 2008.



Daniel N. Kosanovich
Fact-Finder